

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

David A. Herndon and Terri Herndon,

Plaintiffs,

V.

MN Logging, LLC, and Paul Richard
Nelton, individually,

Defendants.

CASE NO.: 22-av-99999

(Formerly Case No. 2022-CP-30-00014)

NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT

The Defendants would respectfully show unto the Court in support of its Notice of Removal that:

1. The Summons and Complaint in this action were filed on January 11, 2022 in the Court of Common Pleas for Laurens County, South Carolina. Attached for the Court are copies of the Plaintiffs' Summons and Complaint. The Complaint is the first pleading served upon the Defendants in this action, and service was affected on the Defendant Paul Richard Nelton on January 14, 2022 and Defendant MN Logging, LLC on January 15, 2022. Therefore, removal is timely under 28 U.S.C. §1446(b).

2. The United States District Court has jurisdiction over this action pursuant to 28 U.S.C. §1332. The Plaintiffs are residents of the State of South Carolina. Defendant Paul Richard Nelton is a resident of the State of North Carolina. Defendant MN Logging, LLC is a business

incorporated under the laws of the State of North Carolina, with its principal place of business located in North Carolina. This action has been brought by the Plaintiffs against the Defendants for an accident alleged to have occurred in Laurens County, South Carolina.

3. Venue is proper in the Greenville Division of this Court pursuant to 28 U.S.C. §1441(a).

4. Plaintiffs' counsel has alleged that the amount in controversy in this matter exceeds Seventy-Four Thousand Nine Hundred Ninety-Nine and 00/100 (\$74,999.00) Dollars due to Plaintiffs' alleged severe injuries suffered as a result of the accident underlying the Plaintiffs' Complaint where Plaintiff David A. Herndon was driving vehicle that struck the Defendants' tractor trailer. The Plaintiffs allege that they have suffered and will continue to suffer physical pain, temporary and permanent disability, loss of earnings, loss of enjoyment of life, and loss of consortium. The Plaintiffs have also pled a claim for punitive damages.

5. The Defendants have filed no pleading in this action with the Court of Common Pleas of Laurens County, South Carolina, in response to the Plaintiffs' Complaint. The Defendants' Answer to the Plaintiffs' Complaint is being filed shortly after this Notice of Removal.

6. The Defendants have furnished a copy of this Notice to the Clerk of Court for Laurens County, South Carolina.

BROWN & BREHMER

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